

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MARION BEASLEY EL, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:11CV524
	)	
ALVIN W. KELLER, JR.,,	)	
	)	
Respondent.	)	

**ORDER**

On November 1, 2011, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docket Entries 7 & 8.) Petitioner filed objections to the Recommendation within the time limit prescribed by Section 636. (Docket Entry 10.) Petitioner also has filed a "Motion of Clerk Praxis Action of Assupsit Letter of Credit," which he purports to bring under the Uniform Commercial Code. (Docket Entry 9.)

The Court has reviewed Petitioner's foregoing Motion (Docket Entry 9) and has concluded that it lacks any merit. In addition, the Court has reviewed Petitioner's objections (Docket Entry 10) de novo and finds they do not change the substance of the United States Magistrate Judge's Recommendation (Docket Entry 7) which is affirmed and adopted.

**IT IS THEREFORE ORDERED** that this action be, and the same hereby is, **DISMISSED WITHOUT PREJUDICE.**

This the 9<sup>th</sup> day of April, 2012

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge